

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAIN RE CHARLES WATKINS,
Plaintiff.

Case No. 21-05631 BLF (PR)

**ORDER INSTRUCTING CLERK TO
CLOSE CASE; OTHER
INSTRUCTIONS TO CLERK**

On July 22, 2021, the Clerk filed as a new prisoner action a letter from Plaintiff addressed to Judge Claudia Wilken, complaining of prison conditions as an ADA inmate.¹ Dkt. No. 1. On that same date, the Clerk notified Plaintiff in writing that the action was deficient because he did not file an actual complaint or pay the requisite filing fee or, instead, submit a court-approved *in forma pauperis* (IFP) application. Dkt. Nos. 2, 3. Plaintiff was advised that failure to file the requested items within 28 days would result in dismissal of the action. *Id.* The matter was originally assigned to Magistrate Judge Joseph C. Spero, and Plaintiff was directed to file notice of consent or declination to magistrate judge jurisdiction. Dkt. No. 4. On August 30, 2021, the matter was reassigned to the Undersigned after the time for filing consent to magistrate judge jurisdiction had passed

¹ This matter was reassigned to this Court on April 13, 2020. Dkt. No. 8.


1 with no response from Plaintiff. Dkt. No. 5.

2 After reviewing Plaintiff's letter, it appears this matter was opened in error. The
3 letter was addressed to Judge Wilken who is presiding over a pending class action lawsuit
4 involving ADA claims. *Armstrong et al v. Newsom, et al.*, No. 94-cv-02307 CW. Due to a
5 lack of response from Plaintiff to the Clerk's notices and the fact that Plaintiff will be
6 subject to filing fees, the Court will, in the interest of justice, assume that the letter was
7 intended to for that pending lawsuit and not to file a new action.

8 Accordingly, the Clerk is instructed to close this matter as improvidently opened.
9 No filing fee is due. Furthermore, the Clerk is instructed to file Plaintiff's letter, Dkt. No.
10 1, in Case No. 94-cv-02307 CW.

11 **IT IS SO ORDERED.**

12 Dated: September 1, 2021


BETH LABSON FREEMAN
United States District Judge

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25 Order Closing Case; Inst. To Clerk
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